

JAMES A HUNTER
ATTORNEY AT LAW

201 KING OF PRUSSIA ROAD, SUITE 650
RADNOR, PENNSYLVANIA 19087

TELEPHONE (484) 275-2162
FACSIMILE (646) 462-3356

July 18, 2025

BY ECF

The Honorable Naomi Reice Buchwald
The United States District Court, S.D.N.Y.
500 Pearl Street
New York, New York 10007-1312

**Re: 20230930-DK-Butterfly-1, Inc. v. Cohen et al.,
No. 24-cv-5874 (NRB) (S.D.N.Y. filed Aug. 1, 2024)**

Dear Judge Buchwald:

I represent Plaintiff 20230930-DK-Butterfly-1, Inc., f/k/a Bed Bath & Beyond Inc. (“BBBY”), in the case referred to above.

Earlier today, BBBY filed its Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2). Dkt. 38. Counsel to Defendants Ryan Cohen and RC Ventures LLC consented to the amendment by email. The amendment revises BBBY’s pleading to allege that the Cohen Defendants became beneficial owners of more than 10% of BBBY’s outstanding common stock slightly earlier during the day of March 1, 2022, than previously alleged. *See* Second Amend. Compl. ¶¶ 159, 163. As a result, the Second Amended Complaint includes one additional, previously alleged trade (namely, a purchase of 500,000 call options) in its calculation of the “short-swing” profit recoverable from the Cohen Defendants as BBBY’s 10% beneficial owners. *Id.* ¶¶ 163, 172, 182.

Pursuant to Your Honor’s individual rules, clean and blacklined versions of the Second Amended Complaint (excluding exhibits, which have not changed) are enclosed as exhibits hereto.

Respectfully submitted,

/s/ James A. Hunter

Enclosures

Copies by ECF: All Counsel of Record